

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JIMMIE GARDNER,**

**Plaintiff,**

**vs.**

**JACK TILLMAN and  
MARK BARLOW,**

**Defendants.**

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**Civil Action No. 04-0144-CG-M**

**ORDER**

The above-styled action came on for trial by jury on August 6, 7, 8 & 9, 2007, before the Honorable Callie V. S. Granade, Chief United States District Judge. The jury was selected before the Judge Granade on July 30, 2007.

On August 6, 2007, the jury was duly sworn, and trial commenced. The plaintiff presented his case-in-chief, and rested on August 8, 2007. At the close of the plaintiff's case, the defendants filed a written motion for judgment as a matter of law (Doc. 175). The court **GRANTED** the motion as to defendant Mark Barlow, having found that there was insufficient evidence to go to the jury, and **DENIED** the motion as to defendant Jack Tillman, having found that there was sufficient evidence to go to the jury. In addition, plaintiff orally moved for judgment as a matter of law (Doc. 176), and the court **DENIED** the motion for the reasons as set forth on the record.

On August 8, 2007, defendant Jack Tillman presented his case, and rested. At the close of all the evidence, the defendant and the plaintiff orally renewed their individual motions for judgment as a matter of law (Docs. 177 and 178, respectively), and the court **DENIED** both motions. The court then held a charge conference with counsel.

On August 9, 2007, the respective parties presented their closing arguments to the jury, the court charged the jury on the applicable law, and the jury commenced their deliberations.

Now, on the 9<sup>th</sup> day of August, 2007, comes the jury who having heard the evidence, the arguments of counsel, the charge of the court and having considered the same upon their oaths, return their verdicts (a copy of which is attached hereto) into open court with counsel present.

Plaintiff is granted leave until August 23, 2007 to file post-trial motions. Defendant's response shall be filed on or before September 6, 2007.

By separate document, the court will enter judgment in accordance with the verdict of the jury.

**DONE and ORDERED** this the 10<sup>th</sup> day of August, 2007.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE